

**REMARKS****AMENDMENTS TO THE CLAIMS:**

Claims 1 to 20 were cancelled.

New Claims 21 to 40 were added.

Claims 21 to 40 are pending.

Support for the newly added Claims 21 to 40 may be found in the specification as originally filed. Specifically, support for new Claims 21 thru 23, 27 to 29, 32 to 35, and 37 may be found in original Claims 1, 5, 14, and 18, Figures 1A-C, Figure 2, Figures 5A-C, Figures 6A-D, pages 2 to 3, 8 to 10, 73 to 74, Example 7, and Table I of the specification, SEQ ID NOS:3 and 4, SEQ ID NOS:9 to 11, and SEQ ID NOS:12 and 13 of the Sequence Listing as originally submitted, and throughout the application as original filed. No new matter has been added.

Support for new Claims 24 and 40 may be found in original Claims 1, 3 to 4, 8 to 10, and 16 to 17, pages 3, 9 to 12, 16, 148 to 162, Figures 7A-B, SEQ ID NO:27 of the Sequence Listing as originally submitted, and throughout the application as original filed. No new matter has been added.

Support for new Claims 25 to 26 may be found on pages 98, 118 to 119, and Example 19 of the specification, and throughout the application as original filed. No new matter has been added.

Support for new Claim 30 may be found in original Claim 1, on pages 73 to 74 of the specification, Example 7, and throughout the application as original filed. No new matter has been added.

Support for new Claim 31 may be found on pages 87 and 94 of the specification, and throughout the application as original filed. No new matter has been added.

Support for new Claim 32 may be found on pages 38 to 43, 87, and 94 of the specification, Example 18, and throughout the application as original filed. No new matter has been added.


Support for new Claim 38 may be found on page 55 to 63, 79 to 80, 84 to 86 of the specification, and throughout the application as original filed. No new matter has been added.

Support for new Claim 39 may be found in Claim 1, and page 21 of the specification, and throughout the application as original filed. No new matter has been added.

If any fee is due in connection herewith not already accounted for, please charge such fee to Deposit Account No. 19-3880 of the undersigned. Furthermore, if any extension of time not already accounted for is required, such extension is hereby petitioned for, and it is requested that any fee due for said extension be charged to the above-stated Deposit Account.

Respectfully submitted,

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Date: March 20, 2006

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**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE****INTERNATIONAL FORM****RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

JUL 18 2002

**To: (Name and Address of Depositor or Attorney)**Bristol-Myers Squibb Company  
Attn: John Feder  
P.O. Box 5400  
Princeton, NJ 08543**Deposited on Behalf of:** Bristol-Myers Squibb Company**Identification Reference by Depositor:****Patent Deposit Designation**Mixture of 10 cDNAs {Rat SGLT4 and SGLT6 in pCMV-Sport2; human HDAC9c  
in pcDNA4; BGS18 and BGS20 in pSport1; BGS16, DGA-3, BGS42A, BGS42B  
and BGS42C in pCMV-Sport}; BMS H

PTA-4454

The deposit was accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.The deposit was received June 12, 2002 by this International Depository Authority and has been accepted.**AT YOUR REQUEST:** ☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent &amp; Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested June 27, 2002. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris  
Marie Harris, Patent Specialist, ATCC Patent DepositoryDate: July 15, 2002

cc: Stephen D'Amico

(Ref: Docket or Case No.: D0168, D0241, D0242, D0243, D0281, D0282, D0283)

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